



**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

**GOVERNOR'S ADVISORY COUNCIL (GAC)
TO THE DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

July 21, 2015

The Governor's Advisory Council to the Division of Developmental Disabilities Services met on July 21, 2015, at the 1056 Woodbrook Conference Room in Dover.

COUNCIL MEMBERS PRESENT: Terri Hancharick, Chair
Thomas Rust
Angie Sipple
Jamie Doane

COUNCIL MEMBERS ABSENT: Timothy F. Brooks, Ed.D.

STAFF MEMBERS PRESENT: Jane Gallivan
Marie Nonnenmacher
Vicky Gordy - minutes

GUESTS PRESENT: Vicki Haschak, Elwyn
Susan Pereira, Parent

CALL TO ORDER: The meeting was called to order at 11:05 a.m.

NEXT MEETING: September 15, 2015 - 11:00 a.m.

AGENDA-ADDITIONS: Medicaid HCBS Waiver Process

APPROVAL OF MINUTES: The June 16, 2015 minutes were approved.

GAC Membership

No new information regarding the two applications requesting placement on the GAC and the reappointment of the current member whose term expired has been received to date.

Family Support Waiver

DDDS is in the process of reconsidering other options than the Family Support Waiver. An update should be available during the September meeting.

Supported Decision Making

Alternatives for guardianship were being sought by DDDS, which initiated the Supported Decision Making discussion. DDDS, DSAAPD, Office of Public Guardian, Disability Law Program, and interested family members have been meeting to discuss alternatives. During the last meeting, Deb Gottschalk, Chief Policy Advisory for DHSS and Lisa Barchi with the Attorney General's Office attended and provided assistance with crafting the proposed statutory authority surrounding Supported Decision Making.

People can remain to be their own guardian while designating people to assist them when decision making requires assistance. This may include doctor office visits/consultations, handling finances, person centered planning meetings, and any other circumstance that public involvement is necessary. Patty Justice, DSAAPD, and Chris Long, DDDS are beginning to review regulations. This project is moving forward quickly and more information is expected to be available during the September meeting.

DDDS Quality Working Group

Fiscal Year 2016 budget epilogue language supports moving forward with planning for the development of additional quality standards for authorized provider agencies, which after completed will be used to design a program for the implementation of the quality standards via a rating system for individuals/families to use to assist with choice. This includes allocation of \$75,000.00 to provide a project manager for the Working Group to facilitate and research items detailed in the DDDS Quality Working Group report. DDDS is in the process of developing the request for proposal (RFP) to contract with a project manager. Once RFP is written, the Working Group will reconvene to review.

CMS Transition Plan Update

Due to the Governor's Advisory Council (GAC) providing oversight, DDDS requested approval from the GAC for the suggested streamlining/changes DDDS made to the recommendations of the residential services and day services assessment tools for the Center of Medicaid and Medicare Services (CMS) definition of community rule. The residential services assessment was reviewed and approved by GAC. The day services assessment is currently not available for GAC review. Once available, GAC will receive via e-mail specifying all changes for GAC review. GAC recommended that DDDS move forward with day services assessment and will vote on changes during the September meeting.

DDDS will forward assessments to Division of Medicaid and Medical Assistance (DMMA) for approval. Once DMMA approves the next step is to place assessments into a "Survey Monkey" format in order to feed information to database. Once formatted, DDDS plans to meet with provider agencies to review how to execute, as DDDS does not expect that intensive training will be necessary. Resource staff will be available for provider agencies questions as the process begins.

DDDS had expectations of having a robust pilot for assessments, but due to timeframes, this is not feasible. Therefore, DDDS believes the next best option is to select a small group of providers agencies who were engaged in the process to pilot.

DDDS was obligated and completed a review of all policies via the statewide transition plan to ensure policies support the intent of the community rule and does not interfere or prohibit implementation of the community rule. Department wide policies (DHSS Policy Memorandums) were reviewed as well to ensure compliance. DDDS is revising the current person centered planning process that will address

items needed for compliance. The Statewide Transition Plan reflects that the planning process is due to be completed in the spring of 2016 and the implementation of provider standards is due no later than July 1, 2016. Some policies are outdated that require removal while others will require public comment. As policies receive approval, updates to the DDDS Website will occur.

Legislative Update

The GAC Chair selected this agenda item to speak about legislation that may affect the individuals we serve. Many of the legislation during the end of the last session involved education. The Chair would like the GAC to stay abreast of legislation to include requesting legislative updates from the Disability Law Program. DHSS has an annual process for Divisions to request the drafting of legislation that is assigned and tracked via the process.

DDDS continues follow the Achieving a Better Life Experience Act (ABLE Act) that allows families with children who have disabilities to open up 529-style tax-free savings accounts for them to build wealth and financial independence. Once more information is received, DDDS will discuss how to implement and get the information to families.

DDDS continues to follow the Medical Orders for Life-Sustaining Treatment (MOLST) that is an advance directive designed specifically for emergency responders due to their obligation to resuscitate when called. DDDS will e-mail legislation surrounding MOLST to GAC.

Reports from the Division

DDDS continues to work on developing a strategy to support Aging in Place. DDDS staff did great work on developing the outline. The next step is to bring a stakeholder group together to review the outline.

The Governor's Advisory Council reviewed the Vacancies and Development Report that reflect end of fiscal year 2015 (FY15) data. There are 29 vacancies statewide (3.1%); 14 in group/neighborhood homes (1.5%) (2 are ARC homes) and 15 in CLA's. For FY15, 88 individuals were placed, 55 individuals are shopping for placement in various stages of process, and 43 individuals were placed at emergency temporary living arrangements (ETLA). DDDS was budgeted to serve 75 additional people via the HCBW during FY15. The addition 13 individuals that were placed during FY15 was due to past slots that were vacated (for various reasons) over the course of FY14 that are permitted to be filled at the beginning of the next fiscal year, in this case FY15. Currently, DDDS serves 1041 individuals that receive services via the Home and Community Based Waiver (HCBW).

The GAC reviewed and discussed the **draft** census report. Growth of individuals served during FY15, totaled 268, without more staff or funding for additional families. Some individuals included in total are seeking eligibility to obtain respite services or to gain knowledge and may seek other services in the future.

Although not included in the DDDS Census Report, it is important to note that the Assisted Living Facility on the Stockley grounds is also closed. The individuals who lived in this facility were not eligible for DDDS services. The program was originally opened to support individuals who had been served at Delaware Psychiatric Center (DPC) and were relocated after a fire at DPC. Staff who worked at the Assisted Living Facility has been assigned to work at the Mary Ann Coverdale Center.

The Mary Ann Coverdale Center (ICF/IID – main bldg.) on the Stockley Center Campus current census is 52. Individuals may receive rehabilitative services at the Center. One individual receiving rehabilitative treatment chose to remain at Center after completing rehabilitation. Adele Wemlinger, Stockley Center Director, and staff are diligent in locating alternate living arrangements as evidenced by one long-time resident who recently chose to move to a residence in the community. The DDDS Director meets with individuals/families bi-annually and discusses options to include community living. Many individuals who reside at Center are medically fragile and many families do not support moving family member into the community.

The Nursing Facilities (OBRA) line reports individuals in nursing homes followed by OBRA, therefore assessments reflect specialized services are required and that the individual is appropriate to reside in a nursing home. These individuals fall under DDDS census due to a Medicaid requirement. Under the Medicaid statute, anyone who applies for nursing home placement must take part in pre-admission screening and resident review. If the review indicates the person may have an intellectual disability or mental illness, referrals for second level screenings by the appropriate state agency (DDDS or DSAMH) are made. If DDDS determines there is an intellectual disability, further assessments take place to determine if nursing home placement is appropriate for the person and if they require specialized services related to their disability. If specialized services are required, funding is supported via state plan and DDDS tracks data pertaining to individual. In many instances, the specialized service is a type of day activity.

Exceptional care children, under OBRA were not reflected in past census reports; this explains the increase between September 2014 and October 2014. DDDS is working to expedite youth's transition.

Important to mention is that the DDDS total census broke past the long standing 3000's mark to end FY15 at 4204 individuals served with approximately 70% living at home with their families.

ADA 25th Celebration in Dover

The ADA 25th Celebration held in Dover on July 18, 2015 and was huge success! DDDS had a table with many "giveaway items" at the event manned by DDDS volunteers. It was a very nice event. Vice President Joe Biden participated in the event via a televised mechanism and presented a moving video. Former U.S. Rep. Tony Coelho, the author of the ADA gave an inspiring speech during the event. The Business Leadership Network sponsored the "Disabilities Rights Museum on Wheels" that was at the event. The museum is fully accessible and gives a detailed look of history surrounding the ADA enactment. There was a parade, live music, face painting, and more family fun!

Medicaid HCBS Waiver Process

Anyone eligible for Medicaid has a right to apply for HCBS Waiver. Whether or not funding is available to receive Waiver services is addressed within additional criteria of the application, which states that the applicant must be in a high-risk category (high level of jeopardy). Risk evaluations may be requested at any time as life situations/circumstances change. There is a specific risk evaluation that is consistently applied to all applicants. Many factors are considered to determine the risk category the applicant falls under to include stability of home, caregivers able to provide support, extreme medical supports, challenging behaviors, etc.

Of the 75 placements budgeted for the fiscal year, DDDS releases groups of approximately 25 in order to spread placements throughout the year. Once groups are released, all regional program directors meet to determine who is ranked as the top 25 in the high-risk category and funding notification letters are

sent to the person to begin the process of “shopping” (choosing services that are available from DDDS authorized services providers). Occasionally an individual and/or family is offered funding to “shop” but pass for time being due to feeling secure in current residence and life situation. DDDS encourages the individual/family to begin to think and plan about transition in an effort for the individual’s situation not to become a crisis, which may turn into an emergency temporary living arrangement (ETLA). High-risk individuals who pass stay at the top of the high-risk rankings.

The individual and/or family should determine needs and chosen services should be based on those needs. Therefore, there are many different options (shared living - living with host family), (supported living - own apartment with drop in supports and/or natural family supports – tailored to the individual’s needs) (group living – group homes, townhouses, apartments – with rotating 24/7 staff). Whatever choice is made, support needs and preferences of individual and/or family should drive services received. DDDS also works hard to bring individuals/families who are “shopping” together via meetings at regional offices to explain the process, what residential supports entail and to address frequently asked questions. This also is a great way to promote building relationships, which may lead to the natural pairings of individuals and families.

DDDS also encourages the individual/family to apply for Medicaid as soon as assessed as high risk, due to changing options and the expense. If not eligible for Medicaid and seeking long-term placement, DDDS has a policy that assesses the person’s ability to pay. Payment of some of the services may apply, if the person has an income.

There are many different categories of Medicaid. When an individual is seeking DDDS Waiver services, they are applying for long-term Medicaid. For regular Medicaid there are various ways to obtain access to include: a) if eligible for Supplemental Security Income - Social Security (SSI) in Delaware, b) if low income and meet certain criteria, c) a child with a disability not receiving SSI and meet certain criteria (in this case there is a seamless transition into SSI Medicaid; parents are unaware that other Medicaid options are available that may present better options). DDDS needs to continue to work to explain options Medicaid has to offer to individuals and families.

If unaware of what type of Medicaid plan a person is currently enrolled, the Division of Medicaid and Medical Assistance can answer questions and send application of different plan if requested.

Announcements and Informational Items

Angie Sipple, GAC member was recognized by receiving an Autism Delaware Outstanding Volunteer award that was announced in The News Journal on July 16, 2015. The article was shared with GAC. Congratulations, Angie!

Today, DDDS case managers and family support specialist are participating in a full day retreat focused on person centered thinking and person centered planning. Mary Lee Fay, Director (interim) of NASDDDS is presenting at today’s retreat surrounding shifting to person centered thinking. Ms. Fay works with the National Core Indicators and with the Family of Practice. Part of DDDS long-term strategy is to have a large educational component for families as the development of creating a family planning process continues.

Adjournment

The meeting adjourned at 12:47 p.m.